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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,281	11/30/2001	Rudolf Ritter	34183	6725

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,281

Applicant(s)

RITTER, RUDOLF

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Status of Application

In response to the applicant's amendment received on 7/18/03. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-29 remain unpatentable for the reasons set forth in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-15,17,18,20,23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy (6040829) and Wakai (5973722).

Wakai shows an audio/video distribution system for an airplane where the user must send authentication data to the central processing unit 101 and the central processing unit sends entertainment data to the individual seat units 152,154,156...Wakai does not expressly show a wireless terminal and transceiver pair for each seat unit. Wakai's central processing unit is wirelessly connected to the standard telephone system thereby allowing users to make telephone calls (inherently these would be bi-directional).

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In an analogous art, Croy shows a wireless unit 200, which communicates with a matched transceiver unit 100. The user logs in to identify himself to the system, so the user can have access to different pay for services, see col. 6 lines 28+ and col. 4 lines 38+. The wireless nature of Croy's audio/video distribution system provides increased capabilities without requiring the personal unit to be tethered to the distribution system. The distribution unit of Croy can distribute Internet, telephone data in addition to television and interactive information it receives from a cable provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a wireless personal navigator to control and view information sent in the Wakai audio/video distribution system since such would provide wireless access to the audio/video system.

Regarding the specific protocols claimed, it has been shown that the data generally transmitted using these protocols (telephone, video... etc) would have been obvious in view of the references cited above. It is also noted that these protocols are standard protocols used in the art. It is the position of the examiner that the use of these standard protocols to distribute the data set forth in the above references would have been a matter of choice by the applicant to choose which protocol standard to use.

2. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy and Wakai as applied to claim 1 above and further in view of the French Publication (0465456 A1) hereafter referred to as Lauryssen.

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In an analogous art, Lauryssen shows a transportation system where entry and exit of the passengers is checked at the doors to the vehicle. This prevents unauthorized use of the vehicle and can provide information of when and how many passengers were present in the vehicle. This information is also used to determine billing statements to bill the passengers. See applicant's discussion of this reference in the background section of their application. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the user monitoring features of Lauryssen in the vehicle network discussed above in order to provide consolidated billing for travel and pay per view features.

3. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy and Wakai as applied to claim1 above, and further in view of Orlen (5579535).

In an analogous art Orlen shows personal communication device which transmits ads to the receiver (user) based on the geographical location of the receiver. This improves the usefulness of the receiver since location specific ads are of greater use than generic ads. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the geographically based ad delivery concept of Orlen to improve the usefulness of the above modified system.

Response to Arguments

Applicant's arguments filed 7/18/03 have been fully considered but they are not persuasive.

The applicant argues that the seat units of Wakai are not portable terminals. First it is noted that the seat units are located in the plane, and the plane is portable. Therefore, relatively speaking, the seat units of Wakai are portable. Furthermore, the applicant has ignored the secondary reference, which does in fact teach portable units for communicating data in two directions. See col. 16 lines 35-55 and col. 8 lines 60+.

The applicant argues that the personal information about the passenger (taught by Wakai) does not include the passenger's travel authorization. Wakai does teach the exchange of identification information as is claimed. The claimed passenger travel authorization checking is a use limitation, which is not generally given patentable weight. Furthermore, it is well known in the security art, that travel authorization is generally accomplished using the identification of the individual. Furthermore, the checking of credit authorization is taught by Wakai and is equivalent to the claimed authorization checking.

The applicant argues that the device of Croy does not teach distributing entertainment programs through the remote controller. This is not claimed. The claims require the transceivers to be able to communicate data between the portable terminal and the central processing means. Croy teaches this. The claims also require that the system distribute entertainment programs

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to the passengers, which is accomplished by Wakai. Nowhere in the claim(s) is there any requirement that entertainment data be transmitted to the transceiver over the air as argued. Although the claims are interpreted in light of the specification, limitations from the specification or the applicant's arguments can not be read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

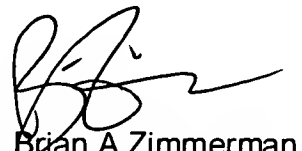
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Brian A Zimmerman
Primary Examiner
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BAZ